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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,590	03/16/2001	Gwenael Le Lay	28944/37208	2160

8968 7590 06/17/2004

GARDNER CARTON & DOUGLAS LLP  
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 CHICAGO, IL 60606

EXAMINER
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BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/810,590

Applicant(s)

LE LAY ET AL.

Examiner

Yasin M Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

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### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

Claims 1-12 are presented for examination.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Vilhuber USPN (6748543).

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As per claim 1, Vilhuber teaches a method of accessing a packet mode network (Fig.1) in order to establish a connection across the network between a user terminal (client 102) and a server (server 104) of a service provider using one specific connection mode from a plurality of different connection modes (using PPP/ SLIP or CHAP/PAP) supported by the network, comprising the steps of:

identifying the specific connection mode on the basis of data transmitted by the user terminal [user connections are identified by protocol used col. 4, lines 36-45];

depending on the specific connection mode, selecting at least one service access server from a plurality of service access servers such that the selected service access server is compatible with the specific connection mode [depending on which protocol such as used PPP/ SLIP or CHAP/PAP users access services col. 4, lines 36-45];

transmitting at least one accounting message associated with the connection to the selected service access server [col. 7, lines 4-10 and col. 15, lines 14-28].

As per claim 2, Vilhuber teaches the method as claimed in claim 1, further comprising the step of transmitting authentication messages associated with the connection to the selected service access server [col. 4, lines 55-66 and col. 7, lines 4-10].

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As per claim 3, Vilhuber teaches the method as claimed in claims 1, wherein each connection mode is associated with one or more respective services [col. 7, lines 31-53].

As per claim 4, Vilhuber teaches the method as claimed in claims 1, characterized in that it is implemented within a network access server [col. 7, lines 31-53].

As per claim 5, this is a means claim with similar limitations as claim 1 above. Therefore, it is rejected with the same rationale.

As per claim 6, Vilhuber teaches the server as claimed in claim 5, further comprising means for transmitting authentication messages associated with the connection to the selected service access server [col. 4, lines 55-66 and col. 7, lines 4-10].

As per claim 7, Vilhuber teaches the server as claimed in claim 5, wherein each connection mode is associated with one or more respective services [col. 7, lines 31-53].

As per claim 8, Vilhuber teaches the system comprising a packet mode network, at least one user terminal and at least one server of a service provider, a plurality of service access servers each compatible with at least one connection

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mode (col. 6, lines 31-67), and at least one network access server as claimed in claims 6 for establishing a connection across the network between the user terminal and the server of the service provider [col. 7, lines 4-10 and col. 15, lines 14-38].

As per claim 9, Vilhuber teaches the system as claimed in claim 8, further comprising an access network to which the user terminal is connected and which is inter-connected with the packet mode network by the network access server [col. 15, lines 14-28].

As per claim 10, Vilhuber teaches the system as claimed in claims 8, wherein the packet mode network is an IP network [col. 6, lines 47-52].

As per claim 11, Vilhuber teaches the system as claimed in claims 8, wherein the packet mode network is a backbone network [col. 6, lines 47-52].

As per claim 12, Vilhuber teaches the system as claimed in claims 8, wherein the service access servers are RADIUS servers [col. 7, lines 11-17].

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### Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**